

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 08-261
v.	*	SECTION: "R"
VICTOR MANUEL RIVERA-HERRERA	*	VIOLATION: 8 U.S.C. § 1326(a)
a/k/a Victor Herrera		
a/k/a Victor Manuel	*	

* * *

FACTUAL BASIS

_____ Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **VICTOR MANUEL RIVERA-HERRERA** (hereinafter "**RIVERA-HERRERA**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An agent from U.S. Immigration and Custom Enforcement ("ICE") would testify that on September 23, 2008, **RIVERA-HERRERA** came to the attention of the ICE office as a possible illegal alien, when the Louisiana Department of Probation and Parole, Jefferson Parish District, contacted ICE regarding **RIVERA-HERRERA**, who they suspected was an illegal alien. Record checks were then performed by the National Crime Information Center, and upon

determining the defendant was illegally in the country, the defendant's alleged status and his custody were referred to ICE.

An ICE special agent would testify that the defendant was transferred into federal deportation custody on September 23, 2008. Upon questioning the defendant, the ICE special agent determined that the defendant was a citizen of Honduras and was illegally in this country. The agent confirmed this status through the ICE computer database.

Documentation from the records of ICE including a Warrant of Removal, complete with the defendant's fingerprints and signature, would demonstrate that the defendant, **RIVERA-HERRERA**, was deported at or around Alexandria, Louisiana to Honduras on July 26, 2007. A qualified ICE special agent would testify that the fingerprints of the defendant in the file with the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **RIVERA-HERRERA**, did not receive consent from the United States Attorney General or his designated

successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous deportation.

SHARAN E. LIEBERMAN
Assistant United States Attorney

Date

VICTOR MANUEL RIVERA-HERRERA
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date